

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
JUNE 16, 2003

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, June 16, 2003, at 7:26 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Dennis L. Fish, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspapers, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked Council's approval of the Minutes for Public hearing Bill No. 03-18 (Marine Terminals), May 19, 2003; Public Hearings, Bills Numbered 03-12, 03-13, 03-14, 03-15 and 03-16, May 19, 2003; and Regular Council Meeting, May 19, 2003.

It was moved by Councilmember Pinckney and seconded by Councilmember Fish to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

Chairman Rozier indicated no one signed up for Public Discussion.

Chairman Rozier entertained a motion to enter Executive Session to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to go into Executive Session for the reason stated. The motion passed by unanimous voice vote of Council.

Berkeley County Council entered into Executive Session at 7:27 p.m. and returned at 8:35 p.m.

Mr. Stokes, County Attorney, stated Berkeley County Council went into Executive Session to discuss matters as stated in the motion; no formal action was taken.

Chairman Rozier stated there were 13 Bills for Third Reading.

THIRD READINGS:

“BILL NO. 03-11, AN ORDINANCE TO AMEND CHAPTER 7 OF THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, TO PROVIDE FOR THE REGULATION OF THE USE OF PUBLIC AND PRIVATE WATER DISTRIBUTION SYSTEMS AND WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEMS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.”

It was moved by Councilmember Charles Davis and seconded by Councilmember Fish to approve **Bill No. 03-11** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-28 is attached to these Minutes.)

“BILL NO. 03-16, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #162-00-01-045 AND 049.” (Moss Grove)

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve **Bill No. 03-16** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-29 is attached to these Minutes.)

“BILL NO. 03-20, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #232-00-01-016.” (Lyde Bailey for Teddy & Mary Caddel)

It was moved by Councilmember Charles Davis and seconded by Councilmember Spooner to approve **Bill No. 03-20** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-30 is attached to these Minutes.)

“BILL NO. 03-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #256-00-00-024.
(Steve Davis for Albertha Smalls)

It was moved by Councilmember Pinckney and seconded by Councilmember Fish to approve **Bill No. 03-21** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-31 is attached to these Minutes.)

“BILL NO. 03-22, AN ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 80-3-8 TO MODIFY REQUIREMENTS FOR APPOINTMENTS TO THE BERKELEY COUNTY AERONAUTICS COMMISSION.”

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to approve **Bill No. 03-22** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-32 is attached to these Minutes.)

“BILL NO. 03-23, AN ORDINANCE PROVIDING FOR THE ADOPTION OF FISCAL YEAR 2003-2004 (BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004) BUDGETS FOR THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND; ESTABLISHING OPERATIONAL, DEBT SERVICE, AND CAPITAL IMPROVEMENT BUDGETS FOR WATER AND SEWER; AND TO PROVIDE FOR THE EXPENDITURES OF REVENUES COMING INTO THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND DURING THE FISCAL YEAR, AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY.”

It was moved by Councilmember Spooner and seconded by Councilmember Charles Davis to approve **Bill No. 03-23** for Third and Final Reading.

Councilmember Steve Davis asked would rates be increased from \$350 to \$475 in this budget? Would the lack of use in the amount of \$6.00 per month be taken out?

Chairman Rozier replied in the affirmative to both questions.

The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-33 is attached to these Minutes.)

“BILL NO. 03-24, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Councilmember Fish and seconded by Councilmember Charles Davis to approve **Bill No. 03-24** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-34 is attached to these Minutes.)

“BILL NO. 03-25, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004 FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT.”

Mr. Stokes confirmed per Councilmember Spooner’s recommendation a Resolution authorizing the continuing of the Pimlico Special Tax District Budget until such time as the 2003-2004 Budget can be finalized.

“RESOLUTION AUTHORIZING THE CONTINUING OF THE PIMLICO SPECIAL TAX DISTRICT BUDGET UNTIL SUCH TIME AS THE 2003-2004 BUDGET CAN BE FINALIZED.”

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to approve a Resolution for the continuing of the Pimlico Special Tax District Budget. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 03-32 is attached to these Minutes.)

“BILL NO. 03-26, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT.”

It was moved by Councilmember Charles Davis and seconded by Councilmember Fish to approve **Bill No. 03-26** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-35 is attached to these Minutes.)

“BILL NO. 03-27, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Councilmember Fish and seconded by Councilmember Crosby to approve **Bill No. 03-27** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-36 is attached to these Minutes.)

“BILL NO. 03-28, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE OPERATIONAL

BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

Chairman Rozier stated the proposal is to increase the fire fees according to the following schedule of Fire Fees on Open Land:

1 Acre or less	\$2.00
1 + to 5 Acres	4.00
5+ to 15 Acres	5.00
15+ to 35 Acres	6.00
35+ to 70 Acres	8.00
70+ to 100 Acres	10.00
100+ to 250 Acres	14.00
250+ to 500 Acres	20.00
500+ Capped	25.00

Chairman Rozier provided information according to the schedule as follows:

- Increase from \$50 to \$60 for homeowners.
- Of \$10 increase, \$2 is to stay in the district where it is collected.
- 20% increase to industrial and commercial; of the 20% increase, 20% is to stay in the district where the fees are collected.
- All fees collected on vacant land are to stay in the district where they are collected.
- Of the 80% that is taken from the residential, industrial, and commercial, funds are to be given to the 10 (ten) lowest fire departments, which now include Pringletown and Sandridge, to make the county grant a total of \$25,000. (For example, Alvin presently receives \$8,800 in grants. In addition Alvin will receive \$16,200 for a total funding of \$25,000.) (Chairman Rozier confirmed that no fire departments would lose any grant funds.)
- After funding the 10 (ten) lowest fire departments, the remainder would be used to give additional grants to any of the 26 departments that may need funds, upon recommendation of the Board and approval of County Council.

Chairman Rozier indicated the 10 (ten) departments that would receive the difference in their grant funds are as follows:

Alvin
Bonneau
Forty-One
Huger
Jamestown
Lebanon
Longridge
Pringletown
Sandridge
Shulerville/Honeyhill

Mr. Stokes indicated that clarity should be made with regard to the vacant land fees due to dispute in a previous meeting.

Chairman Rozier stated, as he understands Council's intentions are for the vacant land fee to go into the grant fund. He indicated that would be fine but it would no longer be an estimated \$461,000 in the grant fund; it would be \$380,000. If the \$160,000 is taken from the \$380,000, the remainder would be \$120,000 in the grant fund.

It was moved by Councilmember Spooner and seconded by Councilmember Pinckney to approve **Bill No. 03-28** for Third and Final Reading with the amendments previously stated.

Councilmember Crosby referenced the letter from Goose Creek Rural Fire Departments provided to Council expressing their objections to the amendments of Bill No. 03-28. The letter stated that Goose Creek Rural is happy with what they had in the past and have not complained or asked for anything extra.

Councilmember Spooner asked would the current budget ordinance amend the ordinance that established the fire fees at \$50?

Mr. Stokes stated the current Budget Ordinance would amend the fees but he would suggest to Council that the portions of the motion if approved at this time be renewed in consideration of Item 12, Bill 03-29 (Berkeley County Budget). It is so that the portions of this motion that applies to distribution, as well as the amendment of the fire fee schedule, be renewed Bill No. 03-29 is considered.

The motion passed by majority voice vote of Council with Councilmember Crosby voting "Nay." (A copy of Ordinance No. 03-06-37 is attached to these Minutes.)

"BILL NO. 03-29, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR."

It was moved by Councilmember Mims and seconded by Councilmember Pinckney to amend the 2003-2004 Berkeley County Budget, **Bill No. 03-29** to remove the additional person in County Council's Office.

Councilmember Steve Davis indicated he was not aware that the workload had increased to the point that there was need for an additional employee. He continued that Mr. Crosby serves as Supervisor for that department and there was no discussion with him about the position. Councilmember Steve Davis indicated that hearing about this position sort of disturbed him in relation to all of the other departments that were squeezed during this budget year. He stated Councilmember Crosby is such an ultra conservative to so many issues on Council, it would be his position that they wait until next year as recommended by Councilmember Mims.

Councilmember Crosby stated he explained to Councilmembers Mims and Steve Davis that this information is given out during the budget request period. He indicated that before he retired he took vacation to come to the budget hearings to find out what was going on. It was not his position to pick out certain parts of the budget and distribute it to individuals that are not there to hear what's going on. They justified this position by saying under normal circumstances there were four people and the office had done without a person for over two years. People have gone without vacations, have not attended conferences, gone without a lot of things because there were not enough personnel. A part-time person was hired for assistance; there is part-time money in the budget, and there would not be a lot of difference in the budget. The information was provided because it was in the budget request. It was written and given to Human Resources with the qualifications.

Councilmember Spooner stated the same people that are presently objecting to hiring a needed employee gave the Chief Magistrate more employees than she needed and is questioning the integrity of the Clerk of Council "and I'm appalled."

Councilmember Steve Davis stated it had nothing to do with integrity. It had to do with comity among all Councilmembers. If Mr. Crosby is Supervisor over the Clerks in Council's office, then it behooves him to keep the Councilmembers informed as elected members of County Council in relation to the workload and the necessity for additional help.

Councilmember Spooner indicated that if Mr. Davis had a problem with Mr. Crosby, he shouldn't penalize the Clerk of Council.

Councilmember Steve Davis stated he was not penalizing anyone; the tenement of the system is notice, fair play.

Councilmember Crosby stated there were weeks of budget hearings before they came up with a final budget. If Mr. Davis was interested enough to understand what was going on in the budget he would have been there to listen. "I do know your reason behind what you are talking about."

Councilmember Steve Davis stated there was certain information that he cared not to divulge at this time but he feels confident that this information should have been provided to all Councilmembers in relation to additional help that was needed in Council's Office.

Chairman Rozier indicated he would call for the vote on the amendment. He explained that an "Aye" vote would be to remove the additional position; and a "Nay" vote would be to retain the position in the budget.

The motion on the amendment to Bill No. 03-29 (Berkeley County's Budget) to remove the additional position from County Council's Office resulted in a Roll Call vote. The Roll Call vote was follows:

Councilmember Farley	"Nay"
Councilmember Spooner	"Nay"
Councilmember Crosby	"Nay"
Councilmember Charles Davis	"Aye"
Councilmember Fish	"Nay"
Councilmember Mims	"Aye"
Councilmember Pinckney	"Aye"
Councilmember Steve Davis	"Aye"

The Roll Call resulted in a tie vote with four (4) Ayes and four (4) Nays giving Chairman Rozier the opportunity to break the tie.

Chairman Rozier stated a Budget was provided to each Councilmember and if any questions had been asked at anytime as the Press asked, which was reported in the paper the very next day the employees that were requested. He asked, why wait until the last minute to offer an amendment when it could have been done at any of the previous readings?

Chairman Rozier voted "Nay" on the amendment; therefore, the motion to remove the additional person from Council's Office in the Berkeley Budget for 2003-2004 failed.

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve **Bill No. 03-29** for Third and Final Reading. The motion passed by majority voice vote of Council with Councilmember Steve Davis voting "Nay." (A copy of Ordinance No. 03-06-38 is attached to these Minutes.)

Mr. Stokes stated it would be appropriate at this time to have a motion to reflect the changes that were made to Bill No. 03-28.

It was moved by Councilmember Spooner and seconded by Councilmember Farley that the changes made to **Bill No. 03-28** be reflected in **Bill No. 03-29**, Berkeley County's Budget for 2003-2004 fiscal year. The motion passed by unanimous voice vote of Council. (All fire fee changes as listed above)

“BILL NO. 03-30, AN ORDINANCE TO AMEND ORDINANCE NO. 99-7-41 IN ORDER TO ADOPT THE MOST RECENT VERSION OF THE NATIONAL ELECTRIC CODE AS MANDATED BY THE STATE OF SOUTH CAROLINA.”

It was moved by Councilmember Fish and seconded by Councilmember Fish to approve Bill No. 03-30 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-06-39 is attached to these Minutes.)

SECOND READINGS:

“BILL NO. 03-31, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE APPROVED USES OF TMS #233-04-00-017.” (James Marksberry)

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve Bill No. 03-31 for Second Reading. The motion passed by unanimous voice vote of Council.

“BILL NO. 03-32, AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS OF 2003 OF BERKELEY COUNTY, SOUTH CAROLINA IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING TWENTY-FIVE DOLLARS (\$25,000,000); TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Steve Davis and seconded by Councilmember Spooner to approve Bill No. 03-32 for Second Reading. The motion passed by unanimous voice vote of Council.

Chairman Rozier read the nine Bills for First Reading and explained that on Bills for First Reading there is no discussion or vote. He stated without objection he would like to add a 10th Bill.

FIRST READINGS:

“BILL NO. 03-33, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #211-00-02-018.” (Douglas Weatherton)

“BILL NO. 03-34, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #232-00-02-137.” (Harold Tyner Development Corp.)

“BILL NO. 03-35, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #232-00-02-136.” (Dean Hensley)

“BILL NO. 03-36, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #141-12-00-008.” (Derrick Daniels)

“BILL NO. 03-37, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #194-00-02-052.” (Thelma Polite)

“BILL NO. 03-38, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #036-00-04-007.” (David Turner, Jr.)

“BILL NO. 03-39, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #075-00-00-048.” (Nancelle Casselman)

“BILL NO. 03-40, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #233-04-00-056.” (Donald and Terry Bebe)

“BILL NO. 03-41, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #233-04-00-055.” (Ubie Singletary)

“BILL NO. 03-42, AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING THE BERKELEY TECHNOLOGY DEVELOPMENT CORPORATION, STATING ITS PURPOSES AND APPOINTING THE MEMBERS OF THE BOARD OF DIRECTORS OF THE BERKELEY TECHNOLOGY DEVELOPMENT CORPORATION.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS I THE 2002-2003 BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve the Transfer Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-24 is attached to these Minutes.)

“RESOLUTION AUTHORIZING A ONE (1) YEAR EXTENSION OF THE CURRENT CONTRACTS WITH THE VARIOUS RURAL FIRE DEPARTMENTS FOR FIRE

PROTECTION SERVICES WITHIN THE UNINCORPORATED AREAS OF BERKELEY COUNTY.”

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to approve the Resolution for Fire Protection. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-25 is attached to these Minutes.)

“RESOLUTION AUTHORIZING A PARKS AND RECREATION DEVELOPMENT GRANT APPLICATION ON BEHALF OF THE ALVIN RECREATIONAL LEAGUE.”

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to approve the Alvin Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-26 is attached to these Minutes.)

“RESOLUTION AUTHORIZING THE PROSECUTION OF CONDEMNATION ACTIONS FOR LOCAL F-FUND PAVING PROJECTS AS DESIGNATED BY THE BERKELEY COUNTY TRANSPORTATION COMMITTEE.

It was moved by Councilmember Pinckney and seconded by Councilmember Steve Davis to approve the C-Fund Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-27 is attached to these Minutes.)

“RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT THE CROSSROADS OF HIGHWAY 52 AND BY-PASS 52, MORE COMMONLY KNOWN AS THE K-MART BUILDING AND MORE PARTICULARLY IDENTIFIED AS TMS #142-12-03-036 AND TMS #142-12-03-038, IN MONCKS CORNER, SOUTH CAROLINA, AND AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE ALL NECESSARY DOCUMENTS TO EFFECT THE TRANSFER OF SAID PROPERTY.”

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve the K-Mart Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-28 is attached to these Minutes.)

“RESOLUTION TO AUTHORIZE THE COUNTY SUPERVISOR TO EXPRESS THE INTENTION OF THE COUNTY COUNCIL OF BERKELEY COUNTY TO REIMBURSE THE COUNTY FOR CERTAIN COSTS FOR ACQUISITION OF LAND, BUILDING AND OTHER CAPITAL EXPENDITURES RELATING TO THE ISSUANCE OF TAX-EXEMPT BONDS AND THE PURCHASE OF THE TEO-21 OSHA TRAINING PROGRAM”

It was moved by Councilmember Fish and seconded by Councilmember Crosby to approve the Authorization Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-29 is attached to these Minutes.)

“RESOLUTION DESIGNATING SURPLUS PROPERTY OF BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND AUTHORIZING THE SALE OR DISPOSAL OF THE SURPLUS PROPERTY.”

It was moved by Councilmember Steve Davis and seconded by Councilmember Spooner to approve the Surplus Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-30 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman

Councilmember Fish stated the Committee met on June 9, and earlier this evening. All matters before them had been taken care of on tonight's agenda. (That concluded Councilmember Fish's report.)

COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman.

Councilmember Farley stated the Committee met on June 9 and all matters before them had been taken care of on tonight's agenda. (That concluded Councilmember Farley's report.)

COMMITTEE ON PUBLIC WORKS & PURCHASING, Mr. Caldwell Pinckney, Chairman.

Councilmember Pinckney stated the Committee met on June 9 and on recommendation of Committee he moved to award the contract for the erection of a storage building at the Lower Berkeley Wastewater Treatment Plant to **Good Water Inc.** in the amount of \$79,000. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee, Councilmember Pinckney moved to award the contract for Rehabilitation of the effluent channels in the Headworks Building at the East Cooper Industrial facilities to **Good Water Inc.** in the amount of \$98,500. (No Second Required)

The motion passed by unanimous voice vote of Council.

Chairman Rozier indicated that they were working on internal matters for Item C, Debarment of D&S Construction Company and had been asked that it be held.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for One (1) Quick Response Vehicle to **Taylor Made Ambulances** in the amount of \$27,751.00. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Councilmember Pinckney's report)

COMMITTEE ON JUSTICE & PUBLIC SAFETY, Mrs. Judy C. Mims Chairman.

Councilmember Mims stated the Committee met on June 9 and all matters before them had been taken care of on tonight's agenda. (That concluded Councilmember Mims' report.)

COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis, Chairman.

Councilmember Davis stated the Committee met on June 9 and several of the matters before them had been taken care of on tonight's agenda.

On recommendation of the Committee Councilmember Steve Davis moved to approve the donation of a lot by the County located on the corner of Pauline and Albacore Drive, Bonneau, TMS #057-05-04-041 to the Lake Moultrie Fire Department. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Steve Davis moved to approve the billing agreement between the Commissioners of Public Works of the City of Charleston and Berkeley County Water and Sanitation Authority. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Steve Davis moved to approve Berkeley County Water and Sanitation Authority's change to the Health Insurance plan for the employees. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Councilmember Steve Davis' report)

COMMITTEE ON PLANNING & DEVELOPMENT, Mr. Charles E. Davis, Chairman.

Councilmember Charles Davis stated the Committee met on June 9 and all matters before the Committee had been taken care of on tonight's agenda.

COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman.

Councilmember Spooner stated the Committee met on June 9 and several matters before the Committee had been taken care of on tonight's agenda.

On recommendation of the Committee Councilmember Spooner moved to approve the application for Library Services and Technology Act grant funds. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Councilmember Spooner's report.)

There was no report from the **COMMITTEE ON HUMAN SERVICES**, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Councilmember Charles E. Davis nominated Ms. Nancy Rodgers and Mr. Tom Martin to the Sangaree Special Tax District. Also, to the Construction Board of Adjustment and Appeals, Stephen Ricker, Jr.

Chairman Rozier nominated Gerald Addison to the Aeronautics Commission.

The Nominations passed by unanimous voice vote of Council.

UNFINISHED BUSINESS

Chairman Rozier indicated the appraisal of the old Wando Health Building was \$36,000 and was auctioned off for \$95,000.

NEW BUSINESS

"RESOLUTION, TO PERMIT TRANSFER OF ANY INTEREST OF BERKELEY COUNTY IN PROPERTY BY QUIT CLAIM DEED OF THE COUNTY SUPERVISOR."

Chairman Rozier stated there is a drainage right-of-way that is classified as an easement and is not.

Mr. Stokes indicated there were two old plats of records; one shows the drainage easement to Berkeley County and no ownership was ever claimed. There was a transfer of property giving Berkeley County an actual easement behind Conifer Hall and this Resolution clears the title to the property.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to approve the Quit Claim Deed Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-31 is attached to these Minutes.)

Chairman Rozier entertained a motion to purchase the OSHA Training Program Sole Source from the TE-21 Company.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve the purchase the OSHA Training Program Sole Source form the **TE-21 Company**. The motion passed by unanimous voice vote of Council.

ANNOUNCEMENTS

Chairman Rozier announced that the next Regular Meeting of Council would be held on July 28, 2003, at 7:00 p.m. Committee Meetings would be announced.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn. The motion passed by unanimous voice vote of Council.

The Meeting adjourned at 9:30 p.m.

S/Barbara B. Austin
Clerk of County Council

July 28, 2003
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday June 16, 2003, is scheduled to begin at 7:00 P.M., in the ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearing Bill Numbered: 03-18 (Marine Terminals)	May 19, 2003
Public Hearings Bills Numbered: 03-12, 03-13, 03-14, 03-15, And 03-16	May 19, 2003
Regular Council Meeting	May 19, 2003

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. **Bill No. 03-11**, an Ordinance to amend Chapter 7 of the Code of Ordinances, Berkeley County, South Carolina, to provide for the regulation of the use of Public and Private Water Distribution Systems and Wastewater Collection, treatment, and disposal systems and providing penalties for violations thereof.

[Recommended by Committee on Water and Sanitation]

2. **Bill No. 03-16**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Final Development Plan, Moss Grove Plantation, TMS #162-00-01-045 and 049, Zoned PDMU, Council District No. 6.

[Recommended by Committee on Land Use]

3. **Bill No. 03-20**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lyde Bailey for Teddy & Mary Caddel and Daniel & Sharon Hunter, 200, 202 & 206 Berkeley Circle, Summerville, TMS #232-00-01-

016, (1 lot) from R-2, Mobile Home Residential District, to GC General Commercial District.
Council District No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 03-21**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Steve Davis, 1868 Cainhoy Road, Huger, TMS 256-00-00-024, (2.07 acre portion, 90 acres total), from GC, General Commercial District & R-2, Mobile Home Residential District, to R-2, Mobile Home Residential District.
Council District No. 8.

[Recommended by Committee on Land Use]

5. **Bill No. 03-22**, An Ordinance to amend Section I of Ordinance No. 80-3-8 to modify requirements for appointments to the Berkeley County Aeronautics Commission.

[Recommended by Committee on Community Services]

6. **Bill No. 03-23**, An Ordinance providing for the adoption of fiscal year 2003-2004 (beginning July 1, 2003 and ending June 30, 2004) budgets for the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for Water and Sewer; and to provide for the expenditures of revenues coming into the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by the Berkeley County Water and Sanitation Authority.

[Recommended by Committee on Water and Sanitation]

7. **Bill No. 03-24**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the Devon Forest Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

8. **Bill No. 03-25**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the Pimlico Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District

[Recommended by Committee on Finance]

9. **Bill No. 03-26**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the Sangaree Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

10. **Bill No. 03-27**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the Tall Pines Special Tax District operational budget; and

to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year

[Recommended by Committee on Finance]

11. **Bill No. 03-28**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the operational budget of the Berkeley County Special Fire Tax District within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

[Recommended by Committee on Finance]

12. **Bill No. 03-29**, An Ordinance providing appropriations for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for Berkeley County; to provide for levy of taxes on all taxable property in Berkeley County for all county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year.

[Recommended by Committee on Finance]

13. **Bill No. 03-30**, An Ordinance to amend Ordinance No. 99-7-41 in order to adopt the most recent version of the National Electric Code as mandated by the State of South Carolina.

[Recommended by Committee on Planning and Development.]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 03-31**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: James Marksberry, 922 College Park Road, Summerville, TMS #233-04-00-017, (1 acre) from R-1, Single Family Residential to GC, General Commercial District. Council District No. 4.

[Recommended Committee on Land Use]

2. **Bill No. 03-32**, an Ordinance to provide for the issuance and sale of General Obligation Refunding and Improvement Bonds of 2003 of Berkeley County, South Carolina in the principal amount of not exceeding twenty-five million dollars (\$25,000,000); to prescribe the purposes for which the proceeds shall be expended; to provide for the payment thereof; and other matters relating thereto.

[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 03-33**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re Douglas Weatherton, 3027 Old Highway

52, Moncks Corner, TMS #211-00-02-018, (1 acre portion, 3 acres total), from HI, Heavy Industrial District, to R-2 Mobile Homes Residential District. Council District No. 3.
[Recommended by Committee on Land Use]

2. **Bill No. 03-34**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Harold Tyner Development Corp, Sangaree Parkway, Summerville, TMS #232-00-02-137, (1.65 acres), from R-1, Single Family Residential District, to R-4, Multi Family District. Council District No. 4.
[Recommended by Committee on Land Use]

3. **Bill No. 03-35**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Dean Hensley, Day Road, Summerville, TMS #232-00-02-136, (11.517 acre portion, 13.924 acres total) from LI, Light Industrial District, to GC, General Commercial District. Council District No. 4.
[Recommended by Committee on Land Use]

4. **Bill No. 03-36**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Derrick Daniels, 902 Whitesville Road, Moncks Corner, TMS #141-12-00-008, (1.58 acres), from GC, General Commercial District, to F-1, Agricultural District. Council District No. 6.
[Recommended by Committee on Land Use]

5. **Bill No. 03-37**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Thelma Polite, 1425 Leisure Drive, Summerville, TMS #194-00-02-052, (.16 acre portion, 1 acre total), from F-1, Agriculture District, to RNC, Rural and Neighbor Commercial District. Council District 7.
[Recommended by Committee on Land Use]

6. **Bill No. 03-38**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: David Turner, Jr., 2769 Harristown Road, St. Stephen, TMS #036-00-04-007, (.11 acre portion, 2.52 acres total), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 8.
[Recommended by Committee on Land Use]

7. **Bill No. 03-39**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Nancelle Casselman, 7761 Highway 41, Jamestown, TMS #075-00-00-048, (1.5 acre portion, 3.18 acres total), from F-1, Agricultural District, to GC, General Commercial District. Council District No. 8.
[Recommended by Committee on Land Use]

8. **Bill No. 03-40**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Donald and Terry Beebe, 1066 College Park Road, Summerville, TMS #233-04-00-056, (1 lot), from R-1, Single Family Residential to GC, General Commercial District. Council District No. 4.

9. **Bill No. 03-41**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Ubie Singletary, Sr., 1054 College Park Road, Summerville, TMS #233-04-00-055, (3.5 acres) from R-2, Single Family Residential to GC, General Commercial. Council District No. 4.

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2002-2003 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** authorizing a one (1) year extension of the current contracts with the various Rural Fire Departments for Fire Protection Services within the unincorporated areas of Berkeley County.

[Recommended by Committee on Justice and Public Service]

3. **RESOLUTION** authorizing a Parks and Recreation Development Grant application on behalf of the Alvin Recreation League.

[Recommended by Committee on Community Services]

4. **RESOLUTION** authorizing the prosecution of condemnation actions for local C-Fund paving projects as designated by the Berkeley County Transportation Committee.

[Recommended by Committee on Finance]

5. **RESOLUTION** authorizing the purchase of property located at the crossroads of Highway 52 and By-Pass 52, more commonly known as the K-Mart Building and more particularly identified as TMS #142-12-03-036 and TMS #142-12-03-038, in Moncks Corner, South Carolina, and authorizing the County Supervisor to execute all necessary documents to effect the transfer of said property.

[Recommended by Committee on Finance]

6. **RESOLUTION** to authorize the County Supervisor to express the intention of the County Council of Berkeley County to reimburse the County for certain costs for acquisition of land, building and other capital expenditures relating to the issuance of tax-exempt bonds.

[Recommended by Committee on Finance]

7. **RESOLUTION** designating Surplus Property of Berkeley County Water and Sanitation Authority and authorizing the Sale or Disposal of the Surplus Property.

[Recommended by Committee on Water and Sanitation]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.
Councilmember, Mr. Dennis L. Fish, Chairman.
2. Committee on Land Use.
Councilmember, Mr. Milton Farley, Chairman.
3. Committee on Public Works and Purchasing.
Councilmember, Caldwell Pinckney, Jr., Chairman.
Bids and Recommendations:

BCW&SA, Re:
 - a. Storage building at LBWWTP
 - b. East Cooper Industrial Wastewater facility, Contract No. 4
 - c. Debarment of D&S Construction Co
Procurement, Re:
 - a. One Type I Modular ambulance.
4. Committee on Justice and Public Safety.
Councilmember, Mrs. Judy C. Mims, Chairman
5. Committee on Water and Sanitation.
Councilmember, Mr. Steve C. Davis, Chairman.
 - a. Lake Moultrie Fire Department (lot).
 - b. Billing agreement with CPW.
 - c. Health Insurance.
6. Committee on Planning and Development.
Councilmember, Mr. Charles E. Davis, Chairman.
7. Committee on Community Services.
Councilmember, Mrs. Judith K. Spooner, Chairman.
 - a. Berkeley County Library, Re:
Application for Library Services and Technology grant funds.
8. Committee on Human Services.
Councilmember, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
AERONAUTICS COMMISSION

BCD COUNCIL OF GOVERNMENTS
BERKELEY-CHARLESTON-DORCHESTER – RTMA
BOARD OF ZONING APPEALS
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
LIBRARY BOARD
MENTAL HEALTH BOARD
SANGAREE SPECIAL TAX DISTRICT
SANTEE COOPER COUNTIES PROMOTION COMMISSION
SPIERS LANDING COMMISSION
TALL PINES SPECIAL TAX DISTRICT
TAX ASSESSMENT REVIEW BOARD
WATER AND SANITATION APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

A Resolution to permit the transfer of any interest of Berkeley County in property by Quit Claim Deed of the County Supervisor.

ANNOUNCEMENTS

The JULY 2003, Regular Meeting of Berkeley County Council will be held on MONDAY JULY 28TH 2003, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

June 11, 2003
S/Barbara B. Austin
Clerk of County Council